

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, MARCH 31, 2004

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JOURNAL OF THE SENATE

EIGHTIETH CALENDAR DAY
FORTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 31, 2004

The Senate met in regular session at 8:20 a.m., President Pro Tempore Angelo presiding.

Prayer was offered by the Reverend Earl Menning (retired) of the Church of Christ in Des Moines, Iowa. He was the guest of Senator Hatch.

The Journal of Tuesday, March 30, 2004, was approved.

RECESS

On motion of Senator Iverson, the Senate recessed at 8:31 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 8:32 a.m., President Pro Tempore Angelo presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Final Bill Action: [SENATE RESOLUTION 146](#), a resolution expressing the State of Iowa's appreciation of its strong relations with the Republic of China on Taiwan.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate Resolution 146](#).

[Senate Resolution 146](#)

On motion of Senator Iverson, [Senate Resolution 146](#), a resolution expressing the State of Iowa's appreciation of its strong relations with the Republic of China on Taiwan, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of [Senate Resolution 146](#), which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Black welcomed to the Senate chamber the following visitors from the Republic of China, Taiwan:

Thomas T. S. Cheng, Director General, Taipei Economic and Cultural Office, Chicago

Han-Ching (Hank) Liu, Deputy Director, Taipei Economic and Cultural Office, Chicago

Dr. Huang, Director, Commercial Division, Taipei Economic and Cultural Office, Chicago

Cindy Chen, Assistant Director of Iowa Sister States Commission

MayMay Ng, CEO, Ck International, Ltd., Waukee, Iowa

Senator Boettger presented Director General Cheng gifts on behalf of the Iowa Senate and the International Relations Committee.

The Senate rose and expressed its welcome.

SPECIAL GUESTS

Senator McKinley welcomed to the Senate chamber Queen Jenni Van Wyk and representatives from Pella's Sixty-ninth Annual Tulip Time Festival.

Queen Van Wyk introduced the following members of her court: Alexis Baugh, Lindsay Graham, Meagan McCombs, and Katie Ozinga.

Queen Van Wyk presented President Pro Tempore Angelo a package of the famous Pella Dutch pastries and invited the Senate chamber to attend the Tulip Time Festival in Pella on May 6, 7, and 8, 2004.

The Queen, her attendants, and their parents distributed pastries to the senators and staff.

The Senate stood at ease at 8:55 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:26 a.m., President Lamberti presiding.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration [Senate File 2194](#).

[Senate File 2194](#)

On motion of Senator Zieman, [Senate File 2194](#), a bill for an act providing for the appropriation of moneys to support the testing and monitoring of avian influenza, with report of committee recommending passage, was taken up for consideration.

Senator Dvorsky asked unanimous consent that action on [Senate File 2194](#) be deferred.

Senator Dvorsky withdrew his motion to defer.

Senator Zieman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 2194](#)), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Sievers
Black	Hatch	McKibben	Stewart
Boettger	Holveck	McKinley	Tinsman
Bolkcom	Horn	Miller	Veenstra
Brunkhorst	Hosch	Putney	Ward
Connolly	Houser	Quirnbach	Warnstadt
Courtney	Iverson	Ragan	Wieck
Dearden	Johnson	Redfern	Zieman
Dotzler	Kettering	Rehberg	
Drake	Kibbie	Schuerer	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Larson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration [Senate File 2289](#).

[Senate File 2289](#)

On motion of Senator Miller, [Senate File 2289](#), a bill for an act relating to various duties of the county treasurer and to certain fees collected by the county treasurer, was taken up for consideration.

Senator Miller offered amendment [S-5106](#), filed by him on March 16, 2004, to page 4 of the bill, and moved its adoption.

Amendment [S-5106](#) was adopted by a voice vote.

Senator Miller moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 2289](#)), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Sievers
Black	Hatch	McKibben	Stewart
Boettger	Holveck	McKinley	Tinsman
Bolkcom	Horn	Miller	Veenstra
Brunkhorst	Hosch	Putney	Ward
Connolly	Houser	Quirnbach	Warnstadt
Courtney	Iverson	Ragan	Wieck
Dearden	Johnson	Redfern	Zieman
Dotzler	Kettering	Rehberg	
Drake	Kibbie	Schuerer	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Larson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL (Regular Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration [House File 2394](#).

[House File 2394](#)

On motion of Senator Rehberg, [House File 2394](#), a bill for an act relating to driver education by a teaching parent, with report of committee recommending passage, was taken up for consideration.

Senator McKibben took the chair at 11:35 a.m.

Senator Dvorsky asked and received unanimous consent that action on [House File 2394](#) be **deferred**.

IMMEDIATELY MESSAGED

Senator Boettger asked and received unanimous consent that **Senate Files 2194** and **2289** be **immediately messaged** to the House.

SPECIAL GUEST

Senator Connolly welcomed to the Senate chamber the Honorable John Walsh, former state senator from Dubuque.

The Senate rose and expressed its welcome.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration [Senate Resolution 142](#).

[Senate Resolution 142](#)

On motion of Senator Boettger, [Senate Resolution 142](#), a resolution urging the federal government to establish a National Center for Rural and Agricultural Behavioral Health in Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Boettger moved the adoption of [Senate Resolution 142](#), which motion prevailed by a voice vote.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration [Senate File 2267](#).

[Senate File 2267](#)

On motion of Senator Johnson, [Senate File 2267](#), a bill for an act providing for the regulation of air quality, and making penalties applicable, was taken up for consideration.

Senator Johnson offered amendment [S-5149](#), filed by him on March 25, 2004, striking and replacing everything after the enacting clause of the bill, and moved its adoption.

Amendment [S-5149](#) was adopted by a voice vote.

Senator Johnson asked and received unanimous consent that [House File 2523](#) be **substituted** for [Senate File 2267](#).

[House File 2523](#)

On motion of Senator Johnson, [House File 2523](#), a bill for an act providing for the regulation of air quality, and making penalties applicable, was taken up for consideration.

(Action on [House File 2523](#) was deferred.)

The Senate stood at ease at 11:46 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 12:01 p.m., Senator Boettger presiding.

QUORUM CALL

Senator Connolly requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 26 present, 24 absent, and a quorum present.

BUSINESS PENDING

[House File 2523](#)

The Senate resumed consideration of [House File 2523](#), a bill for an act providing for the regulation of air quality, and making penalties applicable, previously deferred.

Senator Johnson offered amendment [S-5227](#), filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment [S-5227](#) was adopted by a voice vote.

Senator Johnson withdrew amendment [S-5175](#), filed by him on March 30, 2004, to page 1 of the bill.

Senator Johnson offered amendment [S-5232](#), filed by Senator Johnson, et al., from the floor to pages 1-8 and 10 of the bill.

Senator Bolckom asked and received unanimous consent that action on amendment [S-5232](#) be deferred.

Senator Johnson offered amendment [S-5178](#), filed by him on March 30, 2004, to page 7 of the bill, and moved its adoption.

Amendment [S-5178](#) was adopted by a voice vote.

(Action on [House File 2523](#) was deferred. Amendment [S-5232](#) pending.)

The Senate stood at ease at 12:15 p.m. until the fall of the gavel.

The Senate resumed session at 12:24 p.m., Senator Boettger presiding.

QUORUM CALL

Senator Schuerer requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 26 present, 24 absent, and a quorum present.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Drake, until he returns, on request of Senator Iverson.

HOUSE AMENDMENT CONSIDERED

[Senate File 2173](#)

Senator Schuerer called up for consideration [Senate File 2173](#), a bill for an act concerning private sector employee drug testing

relating to authorized testing substances, confirmed positive test results, and testing procedures, and providing an effective date, amended by the House in House amendment [S-5215](#), filed March 30, 2004.

Senator Schuerer moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Schuerer moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([S.F. 2173](#)), the vote was:

Yeas, 47:

Angelo	Fraise	Kreiman	Seng
Beall	Gaskill	Lamberti	Seymour
Behn	Gronstal	McCoy	Shull
Black	Hatch	McKibben	Sievers
Boettger	Holveck	McKinley	Stewart
Bolkcom	Horn	Miller	Tinsman
Brunkhorst	Hosch	Putney	Veenstra
Connolly	Houser	Quirnbach	Ward
Courtney	Iverson	Ragan	Warnstadt
Dearden	Johnson	Redfern	Wieck
Dotzler	Kettering	Rehberg	Zieman
Dvorsky	Kibbie	Schuerer	

Nays, 1:

Lundby

Absent, 2:

Drake Larson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Zieman, until he returns, on request of Senator Schuerer.

UNFINISHED BUSINESS
(Deferred March 30, 2004)

[House File 2187](#)

The Senate resumed consideration of [House File 2187](#), a bill for an act providing for the elimination of an examination requirement as a prerequisite for being designated a registered dental assistant, deferred March 30, 2004.

Senator Connolly offered amendment [S-5207](#), filed by him on March 30, 2004, striking and replacing everything after the enacting clause and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-5207](#) be adopted?" ([H.F. 2187](#)), the vote was:

Yeas, 14:

Beall	Dotzler	Horn	Seng
Bolkcom	Dvorsky	Kibbie	Stewart
Connolly	Gronstal	McCoy	
Courtney	Holveck	Quirnbach	

Nays, 35:

Angelo	Hatch	McKibben	Shull
Behn	Hosch	McKinley	Sievers
Black	Houser	Miller	Tinsman
Boettger	Iverson	Putney	Veenstra
Brunkhorst	Johnson	Ragan	Ward
Dearden	Kettering	Redfern	Warnstadt
Drake	Kreiman	Rehberg	Wieck
Fraise	Lamberti	Schuerer	Zieman
Gaskill	Lundby	Seymour	

Absent, 1:

Larson

Amendment [S-5207](#) lost.

Senator Johnson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 2187](#)), the vote was:

Yeas, 42:

Angelo	Gronstal	Lundby	Seymour
Behn	Hatch	McCoy	Shull
Black	Horn	McKibben	Sievers
Boettger	Hosch	McKinley	Stewart
Bolkcom	Houser	Miller	Tinsman
Brunkhorst	Iverson	Putney	Veenstra
Courtney	Johnson	Ragan	Ward
Dearden	Kettering	Redfern	Warnstadt
Drake	Kibbie	Rehberg	Wieck
Fraise	Kreiman	Schuerer	
Gaskill	Lamberti	Seng	

Nays, 6:

Beall	Dotzler	Holveck
Connolly	Dvorsky	Quirnbach

Absent, 2:

Larson	Zieman
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 2516 and 2208.

[House File 2516](#)

On motion of Senator Gaskill, [House File 2516](#), a bill for an act relating to the performance of a notarial act by a chief officer when certifying a uniform citation and complaint under oath, and providing

an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Gaskill moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([H.F. 2516](#)), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kibbie	Rehberg
Beall	Fraise	Kreiman	Schuerer
Behn	Gaskill	Lamberti	Seng
Black	Gronstal	Lundby	Seymour
Boettger	Hatch	McCoy	Shull
Bolkcom	Holveck	McKibben	Sievers
Brunkhorst	Horn	McKinley	Stewart
Connolly	Hosch	Miller	Tinsman
Courtney	Houser	Putney	Veenstra
Dearden	Iverson	Quirnbach	Ward
Dotzler	Johnson	Ragan	Warnstadt
Drake	Kettering	Redfern	Wieck

Nays, none.

Absent, 2:

Larson	Zieman
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

[House File 2208](#)

On motion of Senator Brunkhorst, [House File 2208](#), a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provision, with report of committee recommending passage, was taken up for consideration.

Senator Brunkhorst moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([H.F. 2208](#)), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kibbie	Rehberg
Beall	Fraise	Kreiman	Schuerer
Behn	Gaskill	Lamberti	Seng
Black	Gronstal	Lundby	Seymour
Boettger	Hatch	McCoy	Shull
Bolkcom	Holveck	McKibben	Sievers
Brunkhorst	Horn	McKinley	Stewart
Cannolly	Hosch	Miller	Tinsman
Courtney	Houser	Putney	Veenstra
Dearden	Iverson	Quirnbach	Ward
Dotzler	Johnson	Ragan	Warnstadt
Drake	Kettering	Redfern	Wieck

Nays, none.

Absent, 2:

Larson Zieman

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that [Senate File 2173](#) and **House Files 2187, 2208, and 2516** be **immediately messaged** to the House.

BUSINESS PENDING

[House File 2523](#)

The Senate resumed consideration of [House File 2523](#), a bill for an act providing for the regulation of air quality, and making penalties applicable, and amendment [S-5232](#), previously deferred.

Senator Johnson moved the adoption of amendment [S-5232](#), which motion prevailed by a voice vote.

Senator Johnson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([H.F. 2523](#)), the vote was:

Yeas, 34:

Angelo	Gronstal	McKibben	Shull
Behn	Horn	McKinley	Sievers
Black	Hosch	Miller	Stewart
Boettger	Houser	Putney	Tinsman
Brunkhorst	Iverson	Redfern	Veenstra
Courtney	Johnson	Rehberg	Ward
Drake	Kettering	Schuerer	Wieck
Fraise	Lamberti	Seng	
Gaskill	McCoy	Seymour	

Nays, 14:

Beall	Dotzler	Kibbie	Ragan
Bolkcom	Dvorsky	Kreiman	Warnstadt
Connolly	Hatch	Lundby	
Dearden	Holveck	Quirnbach	

Absent, 2:

Larson	Zieman
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Johnson asked and received unanimous consent that [Senate File 2267](#) be **withdrawn** from further consideration of the Senate.

President Lamberti took the chair at 1:48 p.m.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Veenstra asked and received unanimous consent to take up for consideration [Senate File 2296](#).

[Senate File 2296](#)

On motion of Senator McKinley, [Senate File 2296](#), a bill for an act relating to the policy administration of the tax and related laws

by the department of revenue, including administration of and substantive changes to the state individual income, corporate income, sales, use, property, inheritance, motor fuel, special fuel, cigarette, and tobacco taxes and including penalties, was taken up for consideration.

Senator Quirnbach offered amendment [S-5173](#), filed by him on March 29, 2004, to page 1 of the bill, and moved its adoption.

Amendment [S-5173](#) was adopted by a voice vote.

Senator McKinley offered amendment [S-5230](#), filed by him from the floor to pages 9, 10, and 23 of the bill, and moved its adoption.

Amendment [S-5230](#) was adopted by a voice vote.

Senator Warnstadt offered amendment [S-5233](#), filed by him from the floor to page 13 of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 21, nays 26.

Amendment [S-5233](#) lost.

Senator Quirnbach offered amendment [S-5170](#), filed by him on March 29, 2004, to page 27 of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 17, nays 27.

Amendment [S-5170](#) lost.

Senator McKinley moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 2296](#)), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kibbie	Rehberg
Beall	Fraise	Kreiman	Schuerer
Behn	Gaskill	Lamberti	Seng
Black	Gronstal	Lundby	Seymour
Boettger	Hatch	McCoy	Shull
Bolkcom	Holveck	McKibben	Sievers
Brunkhorst	Horn	McKinley	Stewart
Cconnolly	Hosch	Miller	Tinsman
Courtney	Houser	Putney	Veenstra
Dearden	Iverson	Quirnbach	Ward
Dotzler	Johnson	Ragan	Warnstadt
Drake	Kettering	Redfern	Wieck

Nays, none.

Absent, 2:

Larson Zieman

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that [Senate File 2296](#) and [House File 2523](#) be **immediately messaged** to the House.

RECESS

On motion of Senator Iverson, the Senate recessed at 2:22 p.m. until 4:00 p.m.

APPENDIX — 1**CERTIFICATES OF RECOGNITION**

The Secretary of the Senate issued the following certificates of recognition:

Dobson Pipe Organ Builders Ltd., Lake City—For celebrating your 30th anniversary. Senator Beall (3/28/04).

Eileen Hitchcock, Waterloo—For celebrating your 90th birthday on March 30, 2004. Senator Dotzler (3/30/04).

Walter Holtzman, Waterloo—For celebrating your 95th birthday on March 30, 2004. Senator Dotzler (3/30/04).

John H. Jacobsen, Waterloo—For celebrating your 100th birthday on March 30, 2004. Senator Dotzler (3/30/04).

Cory Kleinheksel, Wilton—For receiving the University of Iowa Dean's Scholarship. Senator Drake (3/31/04).

Reas Linder, Rockwell City-Lytton High School—For being named to the Iowa Basketball Coaches Association academic all-state boys' basketball team. Senator Beall (3/25/04).

Cari Monroe, Rockwell City-Lytton High School—For being named to the Iowa Basketball Coaches Association academic all-state girls' basketball team. Senator Beall (3/25/04).

Nick Sandvig, Saint Edmond High School, Fort Dodge—For earning a spot on the Iowa Newspaper Association's all-state basketball first team. Senator Beall (3/25/04).

Joshua Simpson, Albia—For receiving the University of Iowa Dean's Scholarship. Senator McKinley (3/31/04).

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Eighty-four twelfth grade students from Davis County High School in Bloomfield, accompanied by their teachers, Ed Good and Jeff Graves. Senator Kreiman.

Eleventh grade students J. P. Pape, Stacy Donath, and Nicole Hefel from Dubuque Senior High in Dubuque, accompanied by Amber Leyton, anti-tobacco coordinator, and Tischa Busch, senior high guidance counselor. Senator Connolly.

United Methodist Church Women from First United Methodist Church in Cedar Falls, accompanied by group leaders Diane Sneed and Donna Hoffman. Senator Redfern.

Former Senator William P. Winkelman and his family. Senator Beall.

REPORTS OF COMMITTEE MEETINGS

RULES AND ADMINISTRATION

Convened: March 31, 2004, 8:35 a.m.

Members Present: Iverson, Chair; Lamberti, Vice Chair; Gronstal, Ranking Member; Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck.

Members Absent: None.

Committee Business: Passed [SR 146](#).

Adjourned: 8:40 a.m.

WAYS AND MEANS

Convened: March 31, 2004, 2:30 p.m.

Members Present: McKibben, Chair; Shull, Vice Chair; Bolkcom, Ranking Member; Connolly, Dotzler, Hosch, McCoy, McKinley, Miller, Putney, Quirnbach, Rehberg, Seng, Sievers, Stewart, and Wieck.

Members Absent: Angelo (excused).

Committee Business: Passed HF's 2544, 2552, and 2553, and approved [SSB 3171](#).

Adjourned: 3:10 p.m.

INTRODUCTION OF RESOLUTION

[Senate Resolution 147](#), by McKibben, a resolution requesting the congressional delegation of the State of Iowa to work to make the federal tax cuts permanent.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

SUBCOMMITTEE ASSIGNMENTS

[Senate Resolution 146](#)

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

[House File 2551](#)

WAYS AND MEANS: Seng, Chair; Hosch and Rehberg

FINAL COMMITTEE REPORTS OF BILL ACTION

WAYS AND MEANS

Bill Title: [HOUSE FILE 2544](#), a bill for an act requiring identification numbers for all parcels of real estate, additional real estate transaction recordings, and making a fee applicable.

Recommendation: DO PASS.

Final Vote: Ayes, 16: McKibben, Shull, Bolkom, Connolly, Dotzler, Hosch, McCoy, McKinley, Miller, Putney, Quirnbach, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, none. Absent, 1: Angelo.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *[HOUSE FILE 2552](#), a bill for an act relating to the issuance of special motor vehicle registration plates and providing effective and retroactive applicability dates.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-5238](#).

Final Vote: Ayes, 16: McKibben, Shull, Bolkom, Connolly, Dotzler, Hosch, McCoy, McKinley, Miller, Putney, Quirnbach, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, none. Absent, 1: Angelo.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on [House File 2552](#), and they were attached to the committee report.

ALSO:

Bill Title: [HOUSE FILE 2553](#), a bill for an act relating to technical and substantive changes regarding the Iowa educational savings plan trust and the establishment of an additional optional program by a specified date, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 16: McKibben, Shull, Bolcom, Connolly, Dotzler, Hosch, McCoy, McKinley, Miller, Putney, Quirnbach, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, none. Absent, 1: Angelo.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AFTERNOON SESSION

The Senate reconvened at 4:44 p.m., Senator McKibben presiding.

QUORUM CALL

Senator Iverson requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 34 present, 16 absent, and a quorum present.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Iverson called up the following eligible appointees on the En Bloc Confirmation Calendar:

Susan Loy, Accountancy Examining Board
Wesley Stille, Accountancy Examining Board

Beverly Allen, Commission on the Status of African-Americans
Thomas Simmons, Commission on the Status of African-Americans

Cheryl Adam, Agricultural Development Authority
Evelyn Rank, Agricultural Development Authority
Jayme Ungs, Agricultural Development Authority

Carolyn Cavitt, Alcoholic Beverages Commission

Dale McKinney, Architectural Examining Board
Susan McKinney, Architectural Examining Board

Edward Crowley, Board of Athletic Training Examiners

Stuart Preston, Board of Barber Examiners

Linda Nebbe, Board of Behavioral Science Examiners

Douglas Elliott, Commission for the Blind

Burt Chojnowski, Iowa Capital Investment Board

Dennis Plautz, City Development Board

Lois Eichacker, Commission on Community Action Agencies
Bob Knowler, Commission on Community Action Agencies
Catherine Whitfield, Commission on Community Action Agencies

Becky Brockmann, Board of Cosmetology Arts and Sciences Examiners
Jack Morlan, Board of Cosmetology Arts and Sciences Examiners

Becky Hansen, Credit Union Review Board

Tina Lynch, Commission on the Deaf

Deena Kuempel, Board of Dental Examiners
Richard Reay, Board of Dental Examiners
Peter Vidal, Board of Dental Examiners

Jean Anderson, Board of Dietetic Examiners

Douglas Book, Iowa Drug Policy Advisory Council

Linda Bloodsworth, Iowa Economic Development Board
Julie Carlson, Iowa Economic Development Board
Jerry Courtney, Iowa Economic Development Board

Chris Harshbarger, Economic Development Marketing Board

Rosemarie Hussey, State Board of Education

Kathleen Buckwalter, Commission of Elder Affairs
Hazel Chuck, Commission of Elder Affairs
Craig Downing, Commission of Elder Affairs

Susan Lagneaux, Iowa Emergency Response Commission

John Peno, Employment Appeal Board

Scott Beall, Iowa Empowerment Board
Christopher Carman, Iowa Empowerment Board
Sally Hartley, Iowa Empowerment Board
Douglas Peters, Iowa Empowerment Board

Patricia Heagel, Engineering and Land Surveying Examining Board
Dennis Osipowicz, Engineering and Land Surveying Examining Board

John Walsh, Iowa Ethics and Campaign Disclosure Board

Michael Tramontina, Executive Director of the Iowa Finance Authority

Edwin Hershberger, Iowa Grain Indemnity Fund Board
Thomas Kaldenberg, Iowa Grain Indemnity Fund Board

Gerald Kirke, Grow Iowa Values Board

John Baker, Healthy and Well Kids in Iowa (HAWK-I) Board

Gregory Hoyman, Board for the Licensing and Regulation of Hearing Aid
Dispensers

Gregory Moore, Board for the Licensing and Regulation of Hearing Aid
Dispensers

Mary Elizabeth Brandsgard, Information Technology Council
Timothy Lapointe, Information Technology Council

Sheila Castaneda, IowaAccess Advisory Council
Richard Neri, IowaAccess Advisory Council
Herbert Strentz, IowaAccess Advisory Council

Phyllis Peterson, Investment Board of the IPERS

Jon Crose, Landscape Architectural Examining Board

Niki Dean, Iowa Law Enforcement Academy Council

Robert Snodgrass, Loan and Credit Guarantee Advisory Board

Blaine Houmes, Board of Medical Examiners
Yasyn Lee, Board of Medical Examiners
Paul Thurlow, Board of Medical Examiners

Russell Finken, Mental Health and Developmental Disabilities
Commission

Jon Grate, Mental Health and Developmental Disabilities Commission
Lori Reynolds, Mental Health and Developmental Disabilities Commission
Carl Smith, Mental Health and Developmental Disabilities Commission

Judy Clark, Mental Health Risk Pool Board

Eugene Siegert, Board of Mortuary Science Examiners

Clyde Bradley, Board of Nursing Examiners
Jane Hasek, Board of Nursing Examiners
William Miller, Board of Nursing Examiners

Margaret Beaty, State Board of Examiners for Nursing Home Administrators

Connie Connolly, Board of Optometry Examiners
Christopher Olson, Board of Optometry Examiners

Richard Bordwell, Board of Parole

Kathleen Halloran, Board of Pharmacy Examiners
Michael Seifert, Board of Pharmacy Examiners

Kurt Walderbach, Board of Physical and Occupational Therapy Examiners

Edward Friedmann, Board of Physician Assistant Examiners
Fred Strickland, Board of Physician Assistant Examiners

Eric Jensen, Board of Podiatry Examiners
Jill Scholz, Board of Podiatry Examiners
Matthew Wilber, Board of Podiatry Examiners

Claibourne Dungy, Prevention of Disabilities Policy Council
Scott Lindgren, Prevention of Disabilities Policy Council

Francisco Barrios, Board of Psychology Examiners

Neil Barrick, Public Employment Relations Board
M. Sue Warner, Public Employment Relations Board

Michael Mahaffey, State Racing and Gaming Commission

Jonathon Muller, Iowa Railway Finance Authority

Richard DeHeer, Real Estate Appraiser Examining Board
Richard Koestner, Real Estate Appraiser Examining Board

Kerry George, State Board for Respiratory Care

Clark Yeager, School Budget Review Committee

James Davis, Small Business Advisory Council
Elizabeth Garst, Small Business Advisory Council
Kimberly Kudrna, Small Business Advisory Council
Timothy Neugent, Small Business Advisory Council

Ken Zimmerman, Board of Social Work Examiners

Jody Kerns, State Soil Conservation Committee

Jason Aird, Board of Speech Pathology and Audiology Examiners
Coral Jud, Board of Speech Pathology and Audiology Examiners

Pamela Duffy, Iowa Telecommunications and Technology Commission

Catherine Hult, Title Guaranty Division Board

Sharon Wellendorf, Commission on Tobacco Use Prevention and Control

Mark Wandro, Director of the Iowa Department of Transportation

Suzan Boden, State Transportation Commission
Barbara Mac Gregor, State Transportation Commission

Arthur Dayton, Commission of Veterans Affairs
Darlene McMartin, Commission of Veterans Affairs

Earl Goerdt, Iowa Board of Veterinary Medicine

Lorna Burnside, Vision Iowa Board
Cathy Reece, Vision Iowa Board

Angelica Cardenas-Chaisson, Commission on the Status of Women
Francis Giunta, Commission on the Status of Women
Kimberly Painter, Commission on the Status of Women
Michael Whitlatch, Commission on the Status of Women

Richard Running, Director of the Iowa Department of Workforce
Development

Rosa Bailey, Iowa Workforce Development Board
Jean Logan, Iowa Workforce Development Board

Senator Iverson moved that the foregoing appointees be confirmed
by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Yeas, 48:

Angelo	Dvorsky	Kibbie	Rehberg
Beall	Fraise	Kreiman	Schuerer
Behn	Gaskill	Lamberti	Seng
Black	Gronstal	Lundby	Seymour
Boettger	Hatch	McCoy	Shull

Bolkcom	Holveck	McKibben	Sievers
Brunkhorst	Horn	McKinley	Stewart
Connolly	Hosch	Miller	Tinsman
Courtney	Houser	Putney	Veenstra
Dearden	Iverson	Quirnbach	Ward
Dotzler	Johnson	Ragan	Warnstadt
Drake	Kettering	Redfern	Wieck

Nays, none.

Absent, 2:

Larson Zieman

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

The Senate stood at ease at 4:51 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:12 p.m., President Pro Tempore Angelo presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 31, 2004, **passed** the following bills in which the concurrence of the House was asked:

[Senate File 2217](#), a bill for an act relating to assessments imposed on cattle for purposes of promotion, education, and research, and providing an effective date.

[Senate File 2224](#), a bill for an act relating to grain regulation.

ALSO: That the House has on March 31, 2004, **amended and passed** the following bills in which the concurrence of the House was asked:

[Senate File 2179](#), a bill for an act relating to ethics laws and the Iowa ethics and campaign disclosure board. ([S-5239](#))

[Senate File 2234](#), a bill for an act relating to child custody and visitation provisions. ([S-5235](#))

[Senate File 2246](#), a bill for an act requiring the board of directors of a school district to adopt a student promotion policy to support student reading at grade level, providing for related matters, and providing an effective date and for the Act's applicability. ([S-5237](#))

[Senate File 2282](#), a bill for an act requiring a study of the archaeological and paleontological significance of the loess hills and of the feasibility of creating a state native prairie preserve in the loess hills, and providing a contingent effective date. ([S-5236](#))

ALSO: That the House has on March 31, 2004, **passed** the following bill in which the concurrence of the Senate is asked:

[House File 2541](#), a bill for an act relating to utility replacement taxes by redefining major additions for purposes of allocating replacement taxes to taxing districts, requiring certain taxpayers to report estimated replacement taxes, and changing or establishing certain reporting dates and including effective and retroactive applicability date provisions.

Read first time and referred to committee on **Ways and Means**.

BUSINESS PENDING

[House File 2394](#)

The Senate resumed consideration of [House File 2394](#), a bill for an act relating to driver education by a teaching parent, previously deferred.

Senator Dvorsky offered amendment [S-5234](#), filed by him from the floor to pages 1-3 and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-5234](#) be adopted?" ([H.F. 2394](#)), the vote was:

Yeas, 15:

Beall	Dotzler	Hatch	Quirmbach
Black	Dvorsky	Holveck	Ragan
Courtney	Fraise	Horn	Warnstadt
Dearden	Gronstal	McCoy	

Nays, 33:

Angelo	Houser	McKinley	Sievers
Behn	Iverson	Miller	Stewart
Boettger	Johnson	Putney	Tinsman
Bolkcom	Kettering	Redfern	Veenstra
Brunkhorst	Kibbie	Rehberg	Ward
Connolly	Kreiman	Schuerer	Wieck
Drake	Lamberti	Seng	
Gaskill	Lundby	Seymour	
Hosch	McKibben	Shull	

Absent, 2:

Larson	Zieman
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Amendment [S-5234](#) lost.

Senator Rehberg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([H.F. 2394](#)), the vote was:

Yeas, 36:

Angelo	Gronstal	Lamberti	Schuerer
Behn	Horn	Lundby	Seng
Black	Hosch	McCoy	Seymour
Boettger	Houser	McKibben	Shull
Bolkcom	Iverson	McKinley	Sievers
Brunkhorst	Johnson	Miller	Veenstra
Drake	Kettering	Putney	Ward
Fraise	Kibbie	Redfern	Warnstadt
Gaskill	Kreiman	Rehberg	Wieck

Nays, 12:

Beall	Dearden	Hatch	Ragan
Connolly	Dotzler	Holveck	Stewart
Courtney	Dvorsky	Quirmbach	Tinsman

Absent, 2:

Larson Zieman

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 2145 and 2225.

[House File 2145](#)

On motion of Senator Miller, [House File 2145](#), a bill for an act relating to membership on certain city planning and zoning commissions, with report of committee recommending passage, was taken up for consideration.

Senator Miller moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 2145](#)), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kibbie	Rehberg
Beall	Fraise	Kreiman	Schuerer
Behn	Gaskill	Lamberti	Seng
Black	Gronstal	Lundby	Seymour
Boettger	Hatch	McCoy	Shull
Bolkcom	Holveck	McKibben	Sievers
Brunkhorst	Horn	McKinley	Stewart
Connolly	Hosch	Miller	Tinsman
Courtney	Houser	Putney	Veenstra
Dearden	Iverson	Quirnbach	Ward
Dotzler	Johnson	Ragan	Warnstadt
Drake	Kettering	Redfern	Wieck

Nays, none.

Absent, 2:

Larson Zieman

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2225

On motion of Senator Houser, **House File 2225**, a bill for an act relating to the establishment of drainage and levee districts, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Houser moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (**H.F. 2225**), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kibbie	Rehberg
Beall	Fraise	Kreiman	Schuerer
Behn	Gaskill	Lamberti	Seng
Black	Gronstal	Lundby	Seymour
Boettger	Hatch	McCoy	Shull
Bolkcom	Holveck	McKibben	Sievers
Brunkhorst	Horn	McKinley	Stewart
Connolly	Hosch	Miller	Tinsman
Courtney	Houser	Putney	Veenstra
Dearden	Iverson	Quirnbach	Ward
Dotzler	Johnson	Ragan	Warnstadt
Drake	Kettering	Redfern	Wieck

Nays, none.

Absent, 2:

Larson	Zieman
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

President Lamberti took the chair at 5:45 p.m.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [House File 2515](#).

[House File 2515](#)

On motion of Senator Angelo, [House File 2515](#), a bill for an act relating to the keeping of farm deer, with report of committee recommending passage, was taken up for consideration.

Senator Fraise offered amendment [S-5165](#), filed by Senators Fraise and Angelo on March 29, 2004, to page 1 of the bill, and moved its adoption.

Amendment [S-5165](#) was adopted by a voice vote.

Senator Angelo moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 2515](#)), the vote was:

Yeas, 46:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Lundby	Seymour
Behn	Gronstal	McCoy	Shull
Black	Hatch	McKibben	Sievers
Boettger	Horn	McKinley	Stewart
Bolkcom	Hosch	Miller	Tinsman
Brunkhorst	Houser	Putney	Veenstra
Connolly	Iverson	Quirnbach	Ward
Courtney	Johnson	Ragan	Warnstadt
Dotzler	Kettering	Redfern	Wieck
Drake	Kibbie	Rehberg	
Dvorsky	Kreiman	Schuerer	

Nays, 2:

Dearden	Holveck
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Absent, 2:

Larson	Zieman
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 2145, 2225, 2394, and 2515** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 2533, 2315, and 2319.

House File 2533

On motion of Senator Boettger, [House File 2533](#), a bill for an act relating to protective orders and court-approved consent agreements under the domestic abuse Act, with report of committee recommending passage, was taken up for consideration.

Senator Boettger moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 2533](#)), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kibbie	Rehberg
Beall	Fraise	Kreiman	Schuerer
Behn	Gaskill	Lamberti	Seng
Black	Gronstal	Lundby	Seymour
Boettger	Hatch	McCoy	Shull
Bolkcom	Holveck	McKibben	Sievers
Brunkhorst	Horn	McKinley	Stewart
Connolly	Hosch	Miller	Tinsman
Courtney	Houser	Putney	Veenstra
Dearden	Iverson	Quirnbach	Ward
Dotzler	Johnson	Ragan	Warnstadt
Drake	Kettering	Redfern	Wieck

Nays, none.

Absent, 2:

Larson Zieman

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

[House File 2315](#)

On motion of Senator Gaskill, **[House File 2315](#)**, a bill for an act relating to agricultural conservation practices, with report of committee recommending passage, was taken up for consideration.

Senator Gaskill moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (**[H.F. 2315](#)**), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kibbie	Rehberg
Beall	Fraise	Kreiman	Schuerer
Behn	Gaskill	Lamberti	Seng
Black	Gronstal	Lundby	Seymour
Boettger	Hatch	McCoy	Shull
Bolkcom	Holveck	McKibben	Sievers
Brunkhorst	Horn	McKinley	Stewart
Cannolly	Hosch	Miller	Tinsman
Courtney	Houser	Putney	Veenstra
Dearden	Iverson	Quirnbach	Ward
Dotzler	Johnson	Ragan	Warnstadt
Drake	Kettering	Redfern	Wieck

Nays, none.

Absent, 2:

Larson Zieman

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

[House File 2319](#)

On motion of Senator Sievers, [House File 2319](#), a bill for an act relating to the operation, reporting, and dissolution of committees, reporting requirements for special and other elections, the placement of attribution statements in political materials, and the size and placement of political signs, with report of committee recommending passage, was taken up for consideration.

Senator Sievers moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 2319](#)), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kibbie	Rehberg
Beall	Fraise	Kreiman	Schuerer
Behn	Gaskill	Lamberti	Seng
Black	Gronstal	Lundby	Seymour
Boettger	Hatch	McCoy	Shull
Bolkcom	Holveck	McKibben	Sievers
Brunkhorst	Horn	McKinley	Stewart
Connolly	Hosch	Miller	Tinsman
Courtney	Houser	Putney	Veenstra
Dearden	Iverson	Quirnbach	Ward
Dotzler	Johnson	Ragan	Warnstadt
Drake	Kettering	Redfern	Wieck

Nays, none.

Absent, 2:

Larson	Zieman
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 2315, 2319, and 2533** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 31, 2004, **passed** the following bill in which the concurrence of the House was asked:

[Senate File 2044](#), a bill for an act concerning eligibility requirements for payment of a volunteer emergency services provider death benefit resulting from a heart attack or stroke.

ALSO: That the House has on March 31, 2004, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

[House File 2150](#), a bill for an act establishing a child endangerment offense for permitting the presence of a child or minor at a location where a controlled substance manufacturing or product possession violation occurs and providing a penalty.

[House File 2340](#), a bill for an act relating to the temporary absence of an elected local government official on active military duty and the appointment of a temporary replacement and providing an effective date.

[House File 2399](#), a bill for an act allowing a modified criminal penalty for certain thefts from different locations within a thirty-day period.

[House File 2476](#), a bill for an act regulating transmissible viruses afflicting poultry, making an appropriation, and providing penalties.

[House File 2497](#), a bill for an act providing for a sick leave and vacation incentive program for state employees and providing an effective date.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 6:07 p.m. until 8:30 a.m., Thursday, April 1, 2004.

APPENDIX — 2**INTRODUCTION OF BILL**

[Senate File 2302](#), by committee on Ways and Means, a bill for an act relating to tax credits for investments in certain qualifying businesses and community-based seed capital funds and providing for retroactive applicability.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

SUBCOMMITTEE ASSIGNMENT[Senate Resolution 147](#)

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

FINAL COMMITTEE REPORT OF BILL ACTION**WAYS AND MEANS**

Bill Title: [SENATE FILE 2302 \(SSB 3171\)](#), a bill for an act relating to tax credits for investments in certain qualifying businesses and community-based seed capital funds and providing for retroactive applicability.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: McKibben, Shull, Bolkcom, Connolly, Dotzler, Hosch, McCoy, McKinley, Miller, Putney, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, 1: Quirnbach. Absent, 1: Angelo.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on March 31, 2004, the Governor approved and transmitted to the Secretary of State the following bill:

[S.F. 2188](#) – Providing for the establishment of a commission on the status of Iowans of Asian and Pacific Islander heritage within the department of human rights.

GOVERNOR'S VETO MESSAGE

March 31, 2004

The Honorable Jeff Lamberti
President of the Senate
State Capitol Building
L O C A L

Dear President Lamberti:

[Senate File 2230](#) is a bill which seeks to improve the marketability of contaminated property. The thought behind the bill is that in many instances there is a better chance of contaminated land being cleaned up and put to a higher purpose if the land could be more easily sold to a new owner, and therefore we should take steps to improve the marketability of contaminated property. The aim of cleaning up contaminated property and putting the land to a higher use clearly merits consideration.

The bill's proponents contend that lenders currently are reluctant to foreclose on contaminated property if they perceive that there is even the slightest chance that they could be held liable for environmental contamination caused by their borrowers. Likewise, the bill's proponents contend that buyers will not purchase contaminated property if they perceive that there is even the slightest chance that they could be held liable for environmental contamination caused by the previous owner.

The bill's proponents would, therefore, improve the marketability of contaminated property by immunizing lenders and buyers, *who satisfy all of the conditions set forth in bill*, from any conceivable "liability or obligation arising out of or resulting from contamination of property by a hazardous substance, hazardous waste, or a regulated substance, including without limitation, claims for illness, personal injury, death" and other claims including property damage.

The "conditions" that are set forth in the bill are an attempt to ensure that the immunity provisions only benefit lenders and buyers who had no part in causing the property to be contaminated—in other words, to only immunize those that lack any responsibility for causing any property damage, personal injury or death that arises out of the contamination.

I am concerned that the "conditions" set forth in the bill do not go far enough to adequately ensure that this bill only immunizes those buyers who truly lack any responsibility for causing property damage, personal injury or death that arises out of contaminated property. I do not want to sign a bill into law that would immunize from any accountability those who bear some or all responsibility for causing injury or death.

A buyer of land who had nothing to do with causing the property to become environmentally contaminated, could nonetheless be fully and knowingly responsible for causing completely innocent Iowans to become exposed to and injured or killed by the contaminants that already existed on the land at the time of purchase.

For instance, under this bill an out-of-state childcare center developer who did not cause any contamination, could nonetheless knowingly buy contaminated property at a bargain price, make no attempt to clean up the contaminants, conceal any knowledge of the contamination, and then encourage unknowing Iowans to send their children to this childcare center where they would be continually exposed to high levels of known carcinogens—and yet the developer would be completely immune from any accountability to the families of those innocent Iowa children who fall ill or die.

The childcare center developer did not cause the contamination, but was responsible for the injuries. This is not the type of conduct that anyone, including the supporters of this bill, wish to immunize from accountability—nonetheless the language of this bill would allow it to happen.

Similarly, a buyer who did not cause the contamination, could nonetheless be completely responsible for causing an injury or death by making a conscious decision to place employees or others in harm's way in order to save a few dollars by removing the existing safety measures which were installed by the previous owner to protect innocent Iowans from any harm arising out of the contamination. Again, this is not the type of conduct that anyone, including the supporters of this bill, wish to immunize from accountability—nonetheless the language of this bill would allow it to happen.

I am also concerned that under the language of this bill, the lenders and buyers would also be immunized from any accountability in regard to any property damage to state lands.

For the above reasons, I hereby respectfully disapprove [Senate File 2230](#). However, I stand ready to work with legislators to establish protections yet improve the marketability of contaminated property.

Sincerely,
THOMAS J. VILSACK
Governor

AMENDMENTS FILED

S-5227	H.F. 2523	David Johnson
S-5228	H.F. 2393	Bob Brunkhorst
		Dennis H. Black
S-5229	S.F. 2295	Bryan J. Sievers
		Matt W. McCoy
S-5230	S.F. 2296	Paul McKinley
S-5231	H.F. 2473	Hubert M. Houser
S-5232	H.F. 2523	David Johnson
		Gene Fraise
		John P. Kibbie
		Michael E. Gronstal
S-5233	S.F. 2296	Steve Warnstadt
S-5234	H.F. 2394	Robert E. Dvorsky

S-5235	S.F. 2234	House
S-5236	S.F. 2282	House
S-5237	S.F. 2246	House
S-5238	H.F. 2552	Ways and Means
S-5239	S.F. 2179	House
S-5240	H.F. 2447	Neal Schuerer William A. Dotzler, Jr. Bob Brunkhorst